

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CENTRAL BUCKS SCHOOL DISTRICT	:	CIVIL ACTION
	:	
	:	
v.	:	NO. 22-1128
	:	
Q. M., M. M., T. M.	:	

ORDER

AND NOW, this 12th day of September 2022, upon considering our inadvertent error in our September 9, 2022 Order (ECF Doc. No. 37) ruling upon the parties' cross-Motions for judgment on the Administrative Record relating to school years 2019-2020, 2020-2021, and 2021-2022, and cross-Motions for summary judgment relating to school year 2022-2023 (ECF Doc. Nos. 24, 25), and finding we can enter partial judgment on the Administrative Record applying a modified de novo standard but genuine issues of material fact preclude the entry of summary judgment on a disputed record for the school year 2022-2023, and for reasons in an accompanying Memorandum, it is **ORDERED**:

1. We **vacate** the September 9, 2022 Order (ECF Doc. No. 37) to avoid confusion with this Order;
2. We **GRANT in part** and **DENY in part** Plaintiff's Motion for judgment on the Administrative Record (ECF Doc. No. 24);
 - a. We **GRANT** Plaintiff's Motion for judgment on the Administrative Record for the school years 2019-2020 and 2020-2021;
 - b. We **DENY** Plaintiff's Motion for judgment on the Administrative Record for the school year 2021-2022;
3. We **GRANT in part** and **DENY in part** Defendants' Motion for judgment on the Administrative Record (ECF Doc. No. 25);

a. We **GRANT** Defendants' Motion for judgment on the Administrative Record for the school year 2021-2022 along with an additional requested reimbursement award of \$68,956.32 to Defendants representing 85% of the reimbursement from May 2021 through August 2021 for the school year 2021-2022 at Latham Centers;

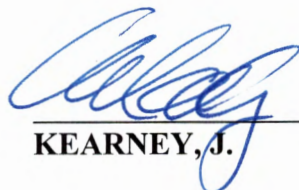
b. We **DENY** Defendants' Motion for judgment on the Administrative Record for the school years 2019-2020 and 2020-2021;

c. We **DENY** Defendants' Motion to the extent they seek compensatory damages with prejudice;

d. We **DENY** Defendants' Motion to the extent they seek attorneys' fees under the Individuals with Disabilities Education Improvement Act and seek expert fees under the Rehabilitation Act and Americans with Disabilities Act for the 2021-2022 school year without prejudice to timely petition for fees with supporting comparator evidence either before October 4, 2022 or (upon providing notice) after resolving issues relating to the 2022-2023 school year;

4. The parties' cross-Motions for summary judgment on the school year 2022-2023 (ECF Doc. Nos 24, 25) are **DENIED** requiring either a bench trial before us beginning on September 26, 2022 or, at the parties' election, a stipulation to remand to the expertise of the hearing officer for further review consistent with the accompanying Memorandum; and,

5. The parties shall meaningfully meet and confer as to whether they wish to proceed on our scheduled bench trial beginning on September 26, 2022 or prefer we remand the issues relating to the 2022-2023 school year to the expertise of the designated hearing officer consistent with the accompanying Memorandum and then report their discussions in pretrial Memoranda filed consistent with our May 4, 2022 Order (ECF Doc. No. 12).



KEARNEY, J.